

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID VALASQUEZ,

Petitioner,

v.

MARILYN BROOKS, et al.,

Respondents.

Civil Action No. 05-222 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was filed with the Clerk of Court on September 2, 2005 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 30, 2005, recommended that the Respondents' Motion [Doc. # 7] for Change of Venue be granted and the instant petition for writ of habeas corpus be transferred to the Eastern District of Pennsylvania. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Albion, where he is incarcerated, and on Respondent. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 21st day of December, 2005;

IT IS HEREBY ORDERED that the Respondents' Motion for Change of Venue [Doc. # 7] be and hereby is GRANTED and the instant petition for writ of habeas corpus is transferred forthwith to the Eastern District of Pennsylvania.

The Report and Recommendation of Magistrate Judge Baxter, filed on November 30, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
UNITED STATES DISTRICT JUDGE

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge